

TITLE: CIB 97-26 - Revised Equal Employment Opportunity Verification Requirements

October 17, 1997

MEMORANDUM FOR CONTRACTING OFFICERS AND NEGOTIATORS

TO: Distribution List FAC

From: M/OP/OD, Marcus L. Stevenson, Procurement Executive

Subject: Revised Equal Employment Opportunity Verification Requirements

CONTRACT INFORMATION BULLETIN 97 - 26

The Office of Federal Contract Compliance Programs (OFCCP) has revised its regulations (41 CFR Parts 60-1, 60-60) to prohibit employment discrimination and establish affirmative action requirements for nonexempt Federal contractors and subcontractors. The final rule revising these regulations was published in the Federal Register on August 19, 1997.

I am directing contracting officers and negotiators to observe these revisions until AIDAR 722.8 can be revised to reflect the above changes.

Under the revised regulations, contracting officers shall include the following provision in their solicitations for each nonconstruction contract anticipated to exceed \$10 million, or so state at the outset of negotiations for each such negotiated contract if no formal solicitation has been issued:

If the award, when let, should total \$10 million or more, the prospective contractor and its known first-tier subcontractors with subcontracts of \$10 million or more shall be subject to a compliance evaluation before the award of the contract unless OFCCP has conducted an evaluation and found them to be in compliance with Executive Order 11246 within the preceding 24 months.

In lieu of the \$1 million threshold in AIDAR 722.8, contracting officers shall notify OFCCP of an intent to make an award of \$10 million or more. OFCCP will then conduct a preaward compliance evaluation of the offeror and known first-tier subcontractors with subcontracts of \$10 million or more--unless it has conducted an evaluation and found them to be in compliance in the preceding 24 months.

OFCCP has 15 days to inform the contracting officer of its intentions to conduct the evaluation and an additional 20 days to conduct the preaward evaluation and to provide the conclusions regarding compliance to the contracting officer.

Contracting officers may presume OFCCP verification of compliance and proceed with the award if OFCCP does not give notice of its intention to conduct a preaward compliance evaluation or it does not report its conclusions within the prescribed time periods. The contract file will be so noted when this presumption is made.